

Whittle Law Office, PLLC

John K. Whittle, Attorney at Law
P.O. Box 2765
Louisville, Kentucky 40201-2765

Phone (502) 235-7333
E-mail jkw802@hotmail.com

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Ms. Rosemary F. Center
General Counsel
Kentucky Registry of Election Finance
140 Walnut Street
Frankfort, Kentucky 40601

Dear Ms. Center:

I am writing on behalf of the Fletcher for Governor Exploratory Committee, with a question concerning allowable expenditures under KRS 121A.015. That statute provides a list of prohibited expenditures under section 2 stating, in part:

An exploratory committee shall not expend funds in its account for activities which indicate that persons on whose behalf the exploratory committee was established have decided to form a specific slate of candidates for Governor and Lieutenant Governor, including, but not limited to:

- (a) Using general public political advertising to publicize an intention to campaign as a specific slate of candidates for Governor and Lieutenant Governor;
- (b) Making or authorizing others to make written or oral statements that refer to the persons as a slate of candidates for Governor and Lieutenant Governor;
- (c) Making expenditures or contracting to make expenditures that would further a candidacy should the determination be made to form a specific slate of candidates for Governor and Lieutenant Governor, such as expenditures for advertising, campaign equipment or supplies, or office space which would be used after the termination of the exploratory committee; and
- (d) Conducting further activities after the persons on whose behalf the exploratory committee was established have filed a joint notification and declaration as a slate of candidates for Governor and Lieutenant Governor.

I am requesting an advisory opinion on whether or not restricted disbursements include expenditures made by the exploratory committee or coordinated by the exploratory committee, for materials identifying the person on whose behalf the exploratory committee was formed, such

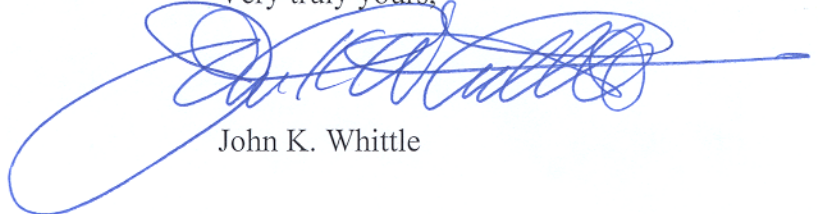
as bumper stickers, yard signs, lapel stickers, placards, t-shirts, and palm cards identifying a candidate's issue platform.

The first paragraph of KRS 121A.015(2) and subsection (2)(a) seem to apply only to publication of an intention to run as "a specific slate of candidates for Governor and Lieutenant Governor," presumably excluding application to one person who is exploring candidacy for Governor, but who has not identified a running mate. However, KRS 121A.015(2)(c) prohibits expenditures "that would further a candidacy" if a slate is later formed. Section 2(c) also specifically lists advertising as one such prohibited expenditure, but "advertising" in this context does not appear to be defined in the statutory chapter.

Based on these statutory provisions, the questions we have are (1) which section would govern expenditures for bumper stickers, yard signs, lapel stickers, placards, t-shirts, and palm cards that would state either "Fletcher for Governor Exploratory Committee" or "Fletcher for Governor" and (2) how would the applicable section govern such an expenditure?

I appreciate your assistance in this matter. Please give me a call if you have any questions or need additional information.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John K. Whittle", with a large, sweeping loop at the end.

John K. Whittle